

### **REMARKS**

Elected claims 1-6 are pending. Claims 7-9 have been cancelled without prejudice. The Specification is amended to provide a new Abstract as required in Item 2 of the Office Action. No new matter is submitted. Accordingly, entry of the Amendment is respectfully requested.

The claims in the application stand rejected on art-based grounds in light of Hirose, by itself, or via the combination of Kreis and Vollrath.

Applicant's invention according to claim 1 is at least a combination of an automotive part and a clip house member in which the automotive part is comprised of a top show surface and a side show surface extending away from the top show surface at a juncture formed between the top show surface and the side show surface. "Show surfaces" are referred to in the specification at paragraph 2 and are well known in the automotive trim part field. A first support member of the clip house connects the clip house to the part at the juncture. The juncture recited in claim 1 extends longitudinally between the top and side portions of the part to provide increased flexibility to the part and to minimize sagging in the part (Specification, paragraphs [0022] and [0024]).

Hirose discloses a rocker panel 210 having a top portion 230, a front portion 232 and a bottom portion 234 (col. 5, lines 45-53, Figure 3). A rib 262 and juncture 263 is provided between the front portion 232 and bottom portion 234 in Hirose. Nowhere does Hirose teach or suggest placing the juncture 263 or rib 262 between the top portion 230 and front portion 232 as in Applicant's invention. In Item 4, the Office Action construes the top portion 230 and front portion 232 as a combined unit and alleges that the juncture 263 and rib 262 are therefore between the combined "top portion 230, 232" and the side portion 234. Such a construction inappropriately redefines the rocker panel of Hirose to mirror that which is claimed in Applicant's invention, whereas in fact Hirose wholly fails to teach the features of the juncture and hollow channeled reinforcing rib between the top and side portions of the part as recited in claims 1 and 2, respectively of Applicant's invention.

The assertions presented in Item 4 of the Office Action with respect to the functional language in claim 1 are moot to the extent that Applicant relies on the feature

of the juncture between the top show side and side show side surface to patentably distinguish over the applied Hirose reference.

The assertions also presented in item 4 of the Office Action with respect to claim 5 and the “unitary molded structure” process is moot to the extent that Hirose fails to teach or render obvious each and every feature recited in claim 1, from which claim 5 depends, as discussed above.

In Item 6 of the Office Action, the claims were rejected as allegedly unpatentable over Kreis (U.S. Patent No. 5,609,004) in view of Vollrath (U.S. Patent No. 4,850,638). The rejection is respectfully traversed.

Kreis discloses an end part 3 for insertion into a longitudinal automotive beam 1. Fastening elements 7, 9, 11 are provided on an outside wall 5 of the end part 3 to secure additional components to the elements if desired, whereby each of the elements are offset slightly from an outside edge of the end part 3 to accommodate insertion of the end part 3 into the beam 1 (Figure 1). Hollow cylinders 13, 14 are optionally provided as additional fastening means to receive bumper mounts, for example (col. 5, lines 15-25). Reinforcing walls 15 are provided on the interior of the end part 3. The beam 1 of Kreis thus fails to have the top show surface, side show surface or juncture therebetween as recited in claim 1 of Applicant’s invention. The Examiner construes the claimed “top show surface” and “side show surface” as corresponding to “the outer wall, reference #6, on the right hand side of the figure” and the “outer wall, reference #6, at the bottom of the figure.” In this regard, there is no hint or suggestion in the reference that these parts could be fairly construed as such. It is well known that “the mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.” In re Laskowski, 871 F.2d 115, 10 USPQ 2d 1397 (Fed. Cir. 1989).

Moreover, reference number 6 in the ‘004 Kreis reference would not suggest a “show surface” to one working in the automotive trim part technological field since attachment means 11, 9, and 7 are cantilevered from the surface so that the part may be attached to “additional parts or components.” See Col. 4, l. 58-60. The clear implication is that the surface of part 6 would not be a “show surface” as that phrase is used in the specification and throughout the trim part industry.


To be sure, Vollrath discloses a body frame that can be composed of light metal castings or plastic. No hint or suggestion is found therein pertaining to automotive trim part show surfaces or to structural combinations used to attach those trim parts to auto mounting members to inhibit sagging along the elongated part in those locations between neighboring clip house members.

Reconsideration of the application is respectfully requested. Applicant submits that the claims presented, in view of the remarks made herein, are patentably distinguishable from the art applied.

Should the Examiner determine that anything else is desirable to place this application in even better form for allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

Respectfully Submitted,

Date: 10 / 29 / 03

  
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Attachment:  
Abstract